

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GUY A. HALL,

Defendant.

CASE NO. 5:11CR00208-002

ORDER (COMPETENCY TO STAND TRIAL)

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

This case came before the Court on November 28, 2011, for a competency hearing following the issuance of a Report and Recommendation by United States Magistrate Judge William H. Baughman, Jr., on November 18, 2011.

Defendant's motion for a competency evaluation [Doc. 28] was referred to Magistrate Judge Baughman on July 5, 2011 [Doc. 29]. Magistrate Judge Baughman issued an order for the competency evaluation on July 26, 2011 [Doc. 38]. The evaluation was conducted and a report dated October 21, 2011, was submitted to the Court by Ron Nieberding, Ph.D., of the Metropolitan Correction Center in Chicago, Illinois. Magistrate Judge Baughman filed his Report and Recommendation on November 18, 2011 [Doc. 48] with a recommendation that defendant be found competent to stand trial. No objections to the Report and Recommendation were filed by either plaintiff or defendant.

Counsel for defendant advised the Court that he had a copy of Dr. Nieberding's report, that he had reviewed same with the defendant and that defendant had filed no objection to the report. The Court noted it had independently examined Dr. Nieberding's report and that defendant had

waived any objection to the report by not filing same. The Court adopted the finding of Magistrate Judge Baughman and found defendant competent to stand trial.

The Court assigned a trial date of December 19, 2011, at 8:00 a.m., Courtroom 18A (Cleveland).

IT IS SO ORDERED.

Dated: November 29, 2011

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE